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12 Attorneys for Plaintiff
13 VERIGY US, INC.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 VERIGY US, INC, a Delaware Corporation

17 Plaintiff,

18 vs.

19 ROMI OMAR MAYDER, an individual;
20 WESLEY MAYDER, an individual; SILICON
21 TEST SYSTEMS, INC., a California Corporation;
22 and SILICON TEST SOLUTIONS, LLC, a
23 California Limited Liability Corporation,
24 inclusive,

25 Defendants.

Case No. C07 04330 RMW (HRL)

**DECLARATION OF
DONALD P. GAGLIARDI IN SUPPORT
OF VERIGY'S MOTION TO COMPEL**

Judge: Honorable Howard R. Lloyd
Ctrm: 2

Complaint Filed: August 22, 2007
Trial Date: None Set

1 I, Donald P. Gagliardi, declare as follows:

2 1. I am an attorney licensed to practice law before all of the courts of the State of
3 California. I am a partner in the law firm of Bergeson, LLP, counsel of record for Plaintiff Verigy
4 US, Inc. ("Verigy") in the above-captioned action. I have personal knowledge of the facts set
5 forth in this declaration, and, if called to do so, I could and would competently testify thereto.

6 2. On or about September 18, 2007, I caused to be faxed a letter to Daniel S. Mount
7 and Kevin M. Pasquinelli of Mount & Stoelker PC, counsel for defendants detailing Verigy's
8 concerns related to defendants' responses to requests for production. A true and correct copy of
9 my letter dated September 18, 2007 is attached hereto as Exhibit A.

10 3. On or about September 20, 2007, I received an email from Mr. Pasquinelli
11 responding to my letter of September 18, 2007. A true and correct copy of Mr. Pasquinelli's email
12 dated September 20, 2007 is attached hereto as Exhibit B.

13 4. On or about September 24, 2007, I caused to be faxed a second letter to Mssrs.
14 Mount and Pasquinelli detailing additional concerns related to defendants' responses to requests
15 for production. A true and correct copy of my letter dated September 24, 2007 is attached hereto
16 as Exhibit C.

17 5. On or about September 25, 2007, I received a letter from Mr. Pasquinelli
18 responding to my letters of September 18 and 24, 2007. A true and correct copy of Mr.
19 Pasquinelli's letter dated September 25, 2007 is attached hereto as Exhibit D.

20 6. On or about September 27, 2007, I received an email from Mr. Pasquinelli
21 memorializing the status of the meet-and-confer process. A true and correct copy of Mr.
22 Pasquinelli's email dated September 27, 2007 is attached hereto as Exhibit E.

23 7. On or about September 28, 2007, I caused to be faxed a letter to Mssrs. Mount and
24 Pasquinelli memorializing the status of the meet and confer process. A true and correct copy of
25 my letter dated September 28, 2007 is attached hereto as Exhibit F.

26 8. On or about October 1, 2007, I along with my colleague, Marc G. van Niekerk,
27 spoke with Mr. Pasquinelli by telephone in order to attempt to reach a solution to the apparent
28 impasse as to Verigy's request for production No. 17. Mr. Pasquinelli proposed that bit-for-bit

1 copies of the hard drives be produced *minus any personal information related to Mayder and/or*
2 *any attorney client privileged communications*. I advised Mr. Pasquinelli that this might be
3 acceptable provided his firm was willing to provide us with written assurances that nothing
4 relevant or conceivably relevant to the litigation would be withheld apart from privileged
5 communications. Mr. Pasquinelli said he would get back to me with his client's response the
6 same day in light of the urgency in bring this motion. As of 5 p.m. PDT on October 1, 2007, he
7 had not done so.

8 I declare under penalty of perjury under the laws of the United States of America that the
9 foregoing is true and correct and that this declaration was executed this 1st day of October, 2007 at
10 San Jose, California.

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13 Donald P. Gagliardi
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